

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MID-CONTINENT EXCESS &
SURPLUS INSURANCE COMPANY,

Plaintiff,

v.

EREV, LLC d/b/a BCC BUILDERS;
GINGER ZARSE; RUSTY ZARSE;
and ROBERT N. WEBB, JR.,

Defendants.

CIVIL ACTION NUMBER:

1:19-cv-04888-MHC

**MID-CONTINENT EXCESS & SURPLUS INSURANCE
COMPANY'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, MID-CONTINENT EXCESS & SURPLUS INSURANCE COMPANY (hereinafter "Plaintiff"), Plaintiff in the above-styled civil action, pursuant to Fed. R. Civ. P. 56 and Local Rule 7.1 and 56.1, NDGa, files this, its Motion for Summary Judgment. In support of this Motion, Plaintiff relies on the following:

1. Plaintiff's Brief in Support of its Motion for Summary Judgment;
2. Plaintiff's Statement of Undisputed Material Facts;

3. Rusty and Ginger Zarses' Demand for Arbitration, which is attached as Exhibit "A" to Plaintiff's Brief in Support of its Motion for Summary Judgment;

4. The Construction Agreement, which is attached as Exhibit "B" to Plaintiff's Brief in Support of its Motion for Summary Judgment;

5. Affidavit of Service to Robert N. Webb, Jr., which is attached as Exhibit "C" to Plaintiff's Brief in Support of its Motion for Summary Judgment;

6. Affidavit of Service to EREV, LLC, which is attached as Exhibit "D" to Plaintiff's Brief in Support of its Motion for Summary Judgment

7. Requests for Waiver of Service to Rusty and Ginger Zarse, which are attached as Exhibit "E" and "F" to Plaintiff's Brief in Support of its Motion for Summary Judgment;

8. Policies 09-SL-000011439 and 09-SL-000012734, which are attached as Exhibit "G" and "H" to Plaintiff's Brief in Support of its Motion for Summary Judgment; and

9. Any and all pleadings in this action and other evidence properly of record in this case.

Respectfully submitted this 31st day of July, 2020.

HALL BOOTH SMITH, P.C.

/s/ Jack D. Summer

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CERTIFICATE UNDER L.R. 7.1 (D)

Pursuant to Northern District of Georgia Local Rule 7.1 (D), the undersigned counsel for Plaintiff certifies that the above and foregoing is a computer document prepared in Times New Roman (14 point) font in accordance with Local Rule 5.1 (B).

Dated this 31st day of July, 2020.

HALL BOOTH SMITH, P.C.

/s/ Jack D. Summer

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Jack D. Summer
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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing **MID-CONTINENT EXCESS & SURPLUS INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT** using the Court's ECF/CM E-file system, and/or by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage affixed thereto, addressed as follows:

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Attorneys for Defendants Rusty Zarse and Ginger Zarse

EREV LLC d/b/a BCC Builders
c/o Robert Webb, Registered Agent
515 Hunterian Place
Newnan, Georgia 30265
Defendant

Robert N. Webb, Jr.
33 Swann Ridge
Chattahoochee Hills, Georgia 30268
Defendant

Dated this 31st day of July, 2020.

HALL BOOTH SMITH, P.C.

/s/ ***Jack D. Summer***

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